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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,155	09/30/2003	Einat Amitay	IL920030030US1	5555

7590 09/05/2008
Stephen C. Kaufman
Intellectual Property Law Dept.
IBM Corporation
P.O. Box 218
Yorktown Heights, NY 10598

EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2887

MAIL DATE	DELIVERY MODE
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09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,155	Applicant(s) AMITAY ET AL.	
	Examiner EDWYN LABAZE	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-32 and 57-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-32 and 57-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments/arguments filed on 5/13/2008.
2. Claims 29-32 and 57-66 {with new claims 61-66} are presented for examination.

Claim Objections

3. Claim 62 is objected to because of the following informalities:

There is no antecedent basis for the limitation “said generator”. The applicant is respectfully requested to either substitute “said generator” with “a generator” or to amend the independent claim so as to incorporate said limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 29-32 and 57-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Kovesdi et al. (US 2003/0155413).

Re claims 29, 57, and 63: Kovesdi et al. discloses system and method for authentic and providing information relevant to a physical world, which includes dynamically {herein video feedback} updating an index to contain information only about the physical items in a vicinity around a changeable current location of a user of said index (paragraphs 46, 69, 75, 109, 113), means of searching {herein using input mechanism such as digital text input, speech to text input, and the like} said index to

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answer natural language queries from a user about said physical items (see fig. # 5a paragraphs 45-46, 64, 68, 73, and 78). Kovesdi further teaches means of gathering information (paragraph 17).

Re claims 30, 58, and 64: Kovesdi et al. teaches system and method, wherein said user is in a space, said vicinity is within said space, and said space is one of the following: a store, a library, a shelf, an aisle, within a given radius, a street, a city, a campus, a building {herein 101}, an area and a park (paragraphs 40, 49, 92, and 95-96).

Re claims 31, 59, and 65: Kovesdi et al. discloses a system and method, which the updating comprises information about the physical items, wherein the information comprises content found on tags {herein an RFID tag} associated with the physical items (paragraphs 39, 60-63, 74, and 100-101).

Re claims 32, 60, and 66: Kovesdi et al. teaches a system and method, wherein said information comprises a description of said physical items and their locations (see table 1; paragraphs 37, 70, 80, and 91).

Re claim 61: Kovesdi et al. discloses a system and method, comprising a space filter to provide the personal index updater only with information from items within the changeable space (paragraph 113).

Re claim 62: Kovesdi et al. teaches a system and method, further comprising sensing the location of the generator (paragraphs 40 and 62-67).

Response to Arguments

6. Applicant's arguments filed 29-32 and 57-66 have been fully considered but they are not persuasive.

Re claims 29: The applicant argues that the prior art of record, Kovesdi et al., fails to teach means of dynamically updating an index to contain only information the physical items (see page 2, last paragraph of applicant's arguments).

The examiner respectfully disagrees with the applicant's remarks in light of the disclosure of said limitation in the Kovesdi's specifications (see paragraph 113).

The applicant further argues that Kovesdi does not limit the index "to contain information only about the physical items in a vicinity around a changeable current location of a user" since Kovesdi does not center its database around the user (see page 3, 1st paragraph of applicant's arguments).

The examiner respectfully disagrees because the claimed limitation does not state a database, therefore the prior art of record can not be only interpreted in light of the disclosed intended use but also as in view of the recited claimed invention. Kovesdi teaches that the device only has location determination capability and text input mechanism, the location of the user could be used to narrow down the object identifier search space. This would be a very nice functionality from a user experience standpoint since it can be used for automatically listing all objects in the proximity of the user (paragraphs 64, 74).

The applicant further argues that the prior art of record. Kovesdi, does not search "the index to answer natural language queries from a user about said physical items" (see page 3, 2nd paragraph of applicant's remarks).

Te examiner respectfully disagrees because Kovesdi does anticipate the claimed limitation (paragraphs 59, 87-91).

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The applicant also argues that the prior art of record, Kovesdi, does not gather information from the physical items (page 3, 3rd paragraph).

The examiner herein asserts that Kovesdi teaches means of collecting/grouping information {wherein media content can be grouped into a logical aggregate called a tour and the group consists of audio, text, image, and video} (paragraphs 17).

Therefore, the examiner believes that prior art of record broadly anticipates the claimed invention and thereby retains the rejection as set forth above.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571)272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EDWYN LABAZE/
Primary Examiner, Art Unit 2887
September 6, 2008

<i>Application Number</i> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/675,155	AMITAY ET AL.	
	Examiner	Art Unit	
	EDWYN LABAZE	2887	